G. R. S. IX-5]

Previous references.

1913.
(Mercara)

File No. S 44-13

Serial Nos. 1—9

Later references.

Hy Dept no 131 of 3-32
1152 37 (1-14)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—9

Part B for June 1919

SUBJECT.

Hebbagiri Gowda's Mbusafir Khana Chatram at Nanjangud and the j lands in Sagar village in the Nanjan Taluk attached thereto.

To The Dy. Comm. Mysore Dt.
No 6000 d. 20.6.1919

Reverses the order of the Dy. Comm affirms the Rt. Appellants possession the institution & its lands subject to Dy Comm's enquiry in to the char the management.

W D 1250—GPB—30,000 - 28-1-19

Postage Recorder 25-8-19

(1

G.R.S. 11] . 1913.

GENERAL AND REVENUE SECRETARIAT.

(Mudzrai)

NOTES.

File No. 5744-13

FILE HEADING.

Hemagiri Gosayi's musafirkhan or chattram at Nanjangud, and the goti lands in Saragur Village in the Nanjangud Taluk attached thereto.

From

Chick Puttasami chetty, Manager and the tenants of the inam lands Thro their ~~Advocate~~.

~~No.~~ Petition Dated Received 11-5-1914.

Diary No. 2140	Enclos. 3. Spare Copies.	Serial No. /

BRIEF ABSTRACT OF LETTER.

Appeals against the Mysore Dy. Commissioner's order directing the assumption of the management of the musafirkhan and its inam lands, and also the sale of the right of the petitioner to the said lands.

NOTES AND ORDERS.

8-2- From, Chick Puttasami chetty & regts Petition dy 11-5-1914 (presented Thro their ~~Advocate~~).

States that the Dy. Commr has issued orders to the Amildar to take immediate

GPB—35,000 15 6 12

General and Revenue Secretariat. | Inwd File No. 544 of 1913.

Serial No.

possession from the petrs. of the inam lands, and prays that orders may be issued to the Dy. Commissioner to keep his order in abeyance pending the disposal of the appeal.

The appeal petition goes exhaustively into the facts of the case and is self-contained. A copy of the Dy. Commrs. order Dy 24th May 1913 B and order Dy 28th March 1914 on the revision petition of the apltrs. have been filed with the petition. The appeal is in time. C

The facts of the case as gathered from the appeal petition, are briefly as follow:—

One Hemagiri Gosayi built a Musafirkhana at Nanjangud in the year 1856, and under chief Commrs. Circular of 1846, he was given dry Manyam lands with a benz of 30 Kanthiraya pagodas as a jodi of 3 pagodas for its maintenance (Page 31 of the Inzrai Memorandum). The order also says that the chattrams and Musafirkhanas shall be open as to general benefits to all classes and castes ...." Inzrai memo put up) D

NOTE—Contn. sheet.

GPB—60,000—7 11 13

G. R. S. 12]

General and Revenue Secretariat. | Mutz File No. 514 of 1913

Serial No.

Hemagiri Sosayi and his chela Narapti Sosayi enjoyed the lands and continued to manage the charity, and on account of a civil litigation against the latter, the building was sold, and a decree holder by name Venkataramaniah got the possession of the building in the Court Sale. A question was raised by the Commr. of Nandidurg Divn. as to whether a chattram intended for the benefit of the public may be sold for the private debts of either the founder or his heirs, and under order no. 10539 – Rev.-61 dated 1st March 1878, the Court sale purchaser Venkataramaniah stepped into the possession of the original grantee Hemagiri Sosayi subject to the condition of fulfilling the objects of the grant. After his death, his wife Ranganna sold both the Musafirkhana and the inam lands under a registered deed of 1883 to Rama Swami chetty, and his son chikka Pulla Swami chetty is the present enjoyer. In his order dt 28th March 1914, while recognizing that Venkataramaniah's title to the property is valid, (Venkataramaniah purchased the Musafirkhana on

D
(de page 32 of the Mutz. noi memo) put up.

C

NOTE—Contn. sheet.

GPB—60,000—7-11 13

General and Revenue Secretariat. | Mwz File No. 5244 of 191 3.

Serial No.

a Court sale) the Dy. Commr says that he is not satisfied that the apltˢ father has a valid title on the ground that the instr is not kept in a proper condition and that the apltˢ has no valid title to the property etc., the Dy. Commr has ordered that the instr and its lands should be taken under Govt management, and that the lease of the lands should be disposed of by public auction—

A

Against this, the Manager & the ryots of the lands have appealed to Govt—

As regards the lands, the ryots who are also apltˢ thereof, contend that the lands were banjar at the time of the grant, that they have spent lot of money in effecting improvements to it, that they have been in possession of the lands for over half a century that they are kadim tenants liable to pay only kandayam etc. In their petition (D. No. 2140 A), they state that the Dy. Commr has issued orders to the Amildar to take immediate possession of the lands from the petitioners, and pray

(SC 2)

NOTE—Contn. sheet.

GPB—60,000—7-11 13

G. R S 121

21408/14 5

General and Revenue Secretariat. | Mercy File No. 5244 of 1913.

Serial No.

that the Dy. Comm's. order appealed against may be held in abeyance pending the disposal of the appeal.

Submitted for orders

MM(115) 13.5.1914 Asst 13/5

The stamps are left unpunched and Vakalat are —

The petition for stay order is insufficiently stamped. — This should have been noticed. The Vakalat and the appeal is signed by a Pleader. Can his appearance be recognized. These matters should have been scrutinized after the Dist. Steps should be taken to have the mistakes rectified.

The Stamps are punched by us.

The appellants will be asked to affix 2 Rs Stamps to the application for stay order and Vakalat. Each

The appearance of a Pleader before Govt. Cannot be recognized - Only Advocates will be allowed to appear before Govt. (Vide Para 8 of Go. No R. 6458-66-L.R. 398-12-4 Dy 16.2.1914 Sot from Bor I)

Submitted for orders

MM(115) 14.5.14. Asst 14/5

Quash a little more stamps

NOTE—Contn. sheet.

GPB—60,000—7 11 13

2140 6)

G. R. S. 12]

General and Revenue Secretariat. | Mwz File No. 544 of 1913.

Serial No.

is exercised. The S.o refers the Rev. Council cases, whether and other cases.

A.V. Subd

Ce
14-5-14

The deficient stamp of Rs 1-8-0 received today is affixed to the petition for stay order and duly punched

A Vakalatnama signed by the advocate for the appellants & received today is also put up.

Formerly claims to hereditary offices (Muzrai) were being heard by 2 Councillors and no distinction seems to have been made between the Rev: Council cases and Muzrai Council cases.

Draft forwarding the appeal petn to the Dy Comr for report with records and requesting him to keep his order in abeyance pending disposal of the appeal by Govt is subd.

Rev. (65)
21/5 RL

Subd 5th Mr member

There is some amount of force in the contention of the appellant. The Dy Comr's report is requested to submit the connected

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S 12]

General and Revenue Secretariat. | Inwd File No. 574 of 1913-14.

Serial No.	
	Records with a full report. Pending disposal of the case, the execution of the D.C. Comm's order maybe kept in abeyance
	21.5.14
	Draft appd. by First member
	22.5.14
	Inwd 25.5
	appd. 25.5.14
3	To The Dy. Comm. Mysore Dt. No. 3303 dy 26.5.14 forwards above letrs. & requests a stay of orders. No. 3304 dy 26.5.14 informs the petitioners of the above thro. their advocate Mr. T. R. Narasimhachar.
4.	From, the Dy. Comm, Mysore Dt. Letter no. 2 dy 6.7.1914 Submits the report with records called for in Sl. 3. The Dy. Comm's. orders dated 24th May 1913 and 28th March 1914 appealed against are flagged. A draft to the Inam Supdt. (MMS) calling for extracts from the 3 Vills Inam register is submd. for appl. or other orders.
	B.C

NOTE—Contn. sheet.

GPB—60,000—7-11 13

appd 7/11

5/11

8

G. R. S. 12]

General and Revenue Secretariat. | Inam File No. 5246/13 of 1914.

Serial No.	
5	To, The Supt of Inam Settlements in Mysore, No 969 dt 14/4/14 calls for extracts of the Inam Registers re to the Inam lands of the Inayat Khana -
6	From, The Supt of Inam Settlements Letter no. 80 dt 18-4-14 Submits copy of the inam register called for in Serial 5. The Inam of the Sri Channakeshava Swamy Temple at Nuggihalli is a Muzrai institution endowed with Dharmadaya lands consisting of 38 S. nos. containing 224.33 acs assessed at Rs 131-8-0 with a cess of Rs. 8-8-0 in Nuggihalli of Sravana Village, Belagola Hobli in the Nagamangala Taluk. The Land are intended for the support of the temple. It will be seen from the Inam register that one Hemadi Gowda built the above Channakeshava Swamy temple and endowed the above lands for its support. The original of the Hemadi Gowda's Kaifiat
(Sl. 6)	

(page 31 of the Inayat Memorandum)
D.

NOTE—Contn. sheet.

GPB—60,000—7-11-18

R. S. 12]

General and Revenue Secretariat. | File No. 544 of 1913.

Serial No

continued to maintain the charity, till about 1875 when on account of a civil litigation, the building was sold and the decree holder by name Venkataramaniah got it in the Court Sale. In the year 1878, a question was raised whether a charitable institution for the public nature can be sold for the private debt of either the founder or his heirs, and the Chief Commissioner in his order of 1st March 1878 while recognising alienations of previous years, made strong provisions against future alienations (vide Pages 32 & 33 of Enquiry Book).

D

* put up.

After Venkataramaniah's death, his widow Ramamma sold, in September 1883 the mutt-khana and its lands, to Ramakrishna Chetty, and the latter's son Chikkapuddi Somasundaram Chetty executed the present Mortgage Deed dated 17-9-1883).

In the Vritanta Patrika of 23-11-1911, an article appeared complaining against the alienation of the mutt lands and its for the support of the mutt and it Thereupon enquiry was instituted, and in the report Dy. No. 2 in stated reported that the charitable building

79 F

79 C

NOTE—Contn. sheet.

GPB—30,000—15 9 11

R. S. 12]

General and Revenue Secretariat. | Hus File No. 544 of 1913 | D

Serial No.

was in dis repair, that the income from the lands was being misappropriated, that the manager Chikkaputta Sami chetty had leased out on survey assessment, the inam lands to the ryots who had alienated them through sale &c. and recommended that the lands might be ~~brought~~ taken under Govt management. The Sub Asst Collector observed that formerly the income was utilized in giving doles and feeding the Brahmins in addition to maintaining the Mutts in good condition. That the nature of the grant indicated that the same should be continued, that the manager had no right to give out the land on survey assessment, thereby keeping the institution out of the income derived from the lands and decided that the lands should be disposed of by public auction and if the ryots offered to pay the highest price in the auction sale, they should not be disturbed, and that a copy of report be submitted. He was of opinion that there was no objection to the sale of the inam if the Collector

NOTE—Contn. sheet.

GPB—30,000—15 9-11

Serial No.

to maintain accounts and to produce them for inspection, and that is to impress the instru- When the Collector advertises the sale of the lands of the ryots come forward and produce the receipt for the sale deed in support of their enjoyment. He in turn has to produce the sale deeds executed in favour of 79 S 111 and 1,09 and the lands, i.e. the Therein as 'Sri Ramaraju' and 'Chikkulla' 'Chetty's sons' Chikkulla Chetty appeared before the Collector 79 W and before that the building was in his enjoyment since the time of his father, that is, the Revenue Department has not raised any objection that he has regularly paid, then and allowed [illegible] to him. Therein that it is not open to the parties that the land be given and the he has to give it up to any assignee in that he produce the land [illegible] under cultivation to the assignee in the assessment in case he fails to pay it for, [illegible]

NOTE—Contn. sheet.

GPB—25,000—22-3-15

R. S. 12]

General and Revenue Secretariat. | Mary File No. 544 of 1913

Serial No.

and the bay of the accountants was maintaining accounts etc.

The folio of the land was 284, and a sum of Rs. 681-8-0 was

(V) effected - It is reported, the fact

that during the settlement, some

W of the original Sequestration Officers

the signed ~~book~~ bills.

On the meanwhile time of the appl-

X cation to the Deputy Commissioner,

that they were threatened, that

some of them had changed the

three lands for the sake, infor-

that the interest was in appl-

for the better cultivation, the

land was hanged for this cultiva-

tion is the responsibility of the Com-

ing Officer for any assessment

as mentioned -

7 of W The Kanungo reported that

the report did not furnish details

in support of the above statement

It is the institution was within the

full knowledge of the fact, that

they had made a true statement

of the circumstances of the case, which is proved by the fact of

NOTE—Contn. sheet.

GPB—25,000—22-3-15

F. R. S. 12]

General and Revenue Secretariat.

Mary File No. 544 of 191 9

Serial No.

B

on the subject, such a fact that the Sale has forfeited in 1887-8, and that he could secure a fresh of Cultivation. The Dy Commr before whom the records went up for use in May 1913 observed that the terms of the grant however did not fix the charity, that it was to come to them through (in 1883) that Chief Talukdar Hajee Mahomed, an alliance of the two families that the burning question was the Cultivation and that in the circumstances, it is not the management which is responsible for the alleged bad in January, he observed that the Crude Opium Regulations was in force in the Native States upon to Government for the time being such therefore of the alliance and of the grant and that he was not prepared to recognize the claim of the

NOTE—Contn sheet.

GPB—2',000—22-3 15

G. R. S. 12]

General and Revenue Secretariat.

Home File No. 544 of 1913

Serial No.

On 2 d march 1914, chikkapulla Sami chetty and the ryots presented Through their Pleaders, a very lengthy petition to the Dy. Commissioner praying for a re-consideration of the previous order. The Dy. Commr heard the petitioners and their Pleaders. He holds that Venkata-ramaniah's title to the property is valid, but he is not satisfies that chikkapulla Sami chetty has a valid title, which arose in 1883 after purchase from Venkataramaniah's widow Ranganna, for the reason that the orders of 1878 while recognizing alienations of previous years made stringent provisions against future alienations. He is of opinion that chikkapulla Sami chetty is an unauthorized alienee of Dharmadaya inam land and is therefore liable to be deprived of the management. He further states that he can't grant that the object of the inam was that the institution should be only a Kandayam

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

Inwards File No. 544 of 1913.

Serial No.

He observes that the mandate is to get as much as possible from the lands and use the income for the charity and that unless Kadim Jemmy is established there cannot be much distinction between a perpetual lease and a lease for ninety nine years which is merely interim. He concludes by stating that he is not satisfied that there are any reasons to justify the original order and that it is favourable either to the rights or to the income - the revision petition is rejected.

Against the foregoing order, the managers and the tenants have appealed. As the appeal petition is exhaustive we need not go into the facts. We are fully.

If decided the appeal will be posted for hearing on the 23rd September 1913.

Submitted for order.

41(94) SK
31.8.1913

19 A

cases have been fixed for hearing in the 23rd

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

F. R. S. 12]

General and Revenue Secretariat.

Revenue File No. 544 of 1913

Serial No.

The case is an important one and the records are not complete. Put up the file relating to the issue of the order of the Chief Commissioner, page 32 of the Magistrate's memorandum. What was the original form of the Sanad. Is the Tahsildar making efforts to obtain a revised Sanad or is he bound only by the terms of the old Sanad. Did he consult the Mamlatdar and what are his views. The case may be put up when it is ripe for orders

Sd
2.9.15

The original file connected with Govt no. 10539-R. 61 of 1st March 1898 is not traceable in the Secretariat records. The Monthly Proceedings for March 1898 is put up, and the order in question is printed in extenso therein.

A printed copy of G.O. no. 8637 of 8th January 1898 prescribing the form of Sanad for granting land to private individuals for the construction of works of public utility, is put up.

No information on the other queries of the Secretary is available.

NOTE—Contn. sheet.

GPB—25,000—30-4 15.

General and Revenue Secretariat. | Mem. File No. 544 of 191 2.

Serial No.

A draft enquiry is submitted for approval or other orders.

AV (Jdl) 25.9.15
17.9.1915

Asst. Secy
for
4.10.15

7 No: 1081 Dy 2-4-15, to Dy Collr of Nellore, calls for further information in the appeal petn of Chikpullasami Chetty & others, regarding Nanjangud Inamdar.

Inam, Mr Dy Commr, my Fasc Dfs
Letter no 146 Dy 18-4-1918
Submits further report re the Nanjangud Inamdar.

In his statement before the Taluk Amildar Dy 11-1-1918, Chikka Pullasami chetty states that Venkata Ramaniah who purchased the chattram and its lands in the Court Sale of 1875 is bound by the Conditions laid down in the ~~Circular~~ revised Rules of 22-7-1846 which have been confirmed by the Ch. Commrs. Proceedings of 1-3-1878 and that he (apelt) who got the properties through Venkataramaniah

Dy. B1

yes 5/10/15
Mem. Orders Issued.

Page 52 of Fasc 1 Dy 1/3 in Proc. Vol of March 1878

NOTE—Contn. sheet.

GPB—25,000—30-4-15.

R. S. 12]

General and Revenue Secretariat.

Mrs File No. 544 of 1913.

Serial No.

is also bound by the Rules of 1846
There is no information as to whether Venkatavamaniah executed a muchalika -
May the case be posted for hearing as directed?
Submitted for orders
30-4-18 ann 2/5/18
The case may be posted
KB
3/5/18.

+Steno 16-6-18.

Appellant is the transferee in title from the Court-sale purchaser Venkatavamaniah, the original grantee in 1858 being Hemagiri Gosai. - Other appellants are tenants holding the Inam lands at "Kandayam" rates, exercising powers of disposal. The lands were granted "for support" of the Mutapirukkam. The building was not in repair, and no "Sadavart" was given. The lands have been put up to sale of the lease right for 5 years. - The D.C has held (i) that Chikputtaswami Setty is an unauthorised alienee of the Inam lands (this right not being recognised by Govt) and (ii) that the insta

* The Mutham is described "for the public use" in the Sanad of 1858; there is no clear indication of its being specially intended for Gosains
KB 10/7/18

GPB—25,000—30 4 15

WD 1283—GPL—60,CCC—1-12-16—S.

General and Revenue Secretariat. | Mrs. File No. 544 of 1913

Serial No.

is entitled to receive fair rents from the lands and not "Kandayam" only. — The appellants plead that in the course of official business, Thirputtasami Nattar has been recognised Manager pro tem and that the lands were inferior and so only "Kandayam" was paid from the beginning. —— The Inam rules of 1846 do not provide for alienations; the Order of 1878 provides for resumption of purchase at Court Sale if purchasers agree to maintain Charity — Otherwise the lands will be assessed at full rates. Thirputtasami Nattar has to prove his title and the transactions in the course of official business in which he says he is recognised as Manager. — The tenants can, owing to their continuation as such, lay claim to remain, provided they agree to pay reasonable rent — to be fixed by an impartial Panchayat say once in five years. Their allegation of Kadim tenancy is without foundation —

Secy)

K.S.
8/7/18

The main facts of the case are admitted by the appellants and the decision of the case practically turns

WD 1238—GPB—60,000—1-12-16—S.

(20

G. R. S. III-2]

General and Revenue Secretariat.

Hally File No. 344 of 1913

Serial No.

upon the interpretation of the law applicable to the case.

The managers (so-called) and the raiyats have made a common cause through their interests are by no means identical. So far as the raiyats are concerned the case appears to be one for the consideration of equities as the circumstances do not seem to warrant that the tenancy is a khatim one or the lease a permanent one. In either case it cannot be beyond the powers of a manager and such a transaction has always been viewed as ~~an alienation~~ tantamount to an alienation falling foul of ~~the~~ operation all the penalty clauses under the Land Rules. It is no doubt true that the lands were Banjar and special concessions had to be shown to the cultivators but the burden of the proof is on the latter to show what the concessional terms were. In the present case there seems to be some implied understandings between the manager and his raiyats even as regards the period the present tenancy has been in force; ~~and the Asst. Collector~~

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1 12-16—S

G. R. S. III-2]

General and Revenue Secretariat.

File No. 544 of 191 3

Serial No.

(Rev. manual)

against such transfer. The last Govt of Nov- 1877 will not apply as there has been no diversion of the trust, nor will the consequence be against the terms of the Sanad as the building is not to be used for any purpose other than the one originally intended. As this particular alienation has been in existence for more than 30 years, it might be recognized but the manager will have to furnish accounts under S. 13 of the Mys. Reg- and cannot use any portion of the income for his own use.

(Put up)

The Dist. Mag. Us will of course be free to initiate proceedings under S. 8 of the Mys. Reg- if there is a suspicion that the trust is being mismanaged or its income misappropriated.

(Vice member) 13. 7. 18

Appellants were absent though Notices were served. Subs delegaam requesting adjt is received just now and Subs for orders.

13/7/18

13/7/18

16/7/18

16/7/18

NOTE—Contn. sheet.

123

MD 1233—GPL—60 CCC—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Mmz File No. 564 of 1918.

Serial No.

18 9. 18. Appts absent. Notices not returned Served Appt Vikunnistami Setty wires for adjt - Case adjourned.

BD

25/9/18

Extra. members order:—

Adjt prayed for by wire - granted

4-12-18

Bo

Notices with D/A notices

AV 3.1.19 BD 4.1.19

Appd 1/5 4/1/19

Notices not returned served. Case to be adjourned to the next date of hearing (~~to the 11th~~ April 1919) - fresh notice - 21.2.19

Notices with D/A notices

M 4.3.19 Appd. 28. 4/3/19.

At request of applts' Adv 2nd V.V, adjd to 16th May 1919. 11.4.19

Notices to 16th May

12/4/19

Draft order

20-5-19

BD

20/5/19.

NOTE—Contn. sheet.

G. R. S. III-2]

(24

General and Revenue Secretariat.

Revenue File No. 574 of 191 3

Serial No.	
	Subsp. with a Dft. under.
	M 23.5.19 BB 24/5/19
	Secy.
	24.5.19.
	apd 26/5/19
	27/5/19.
9.	No 4000 dy. 20.6.1919 to dy. Comm. Mysore &c. Covers the dy. Comm's rpt of appeals the 1st appt's possession of the mutn. & its lands subject to dy. Comm's ruling &c.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-18—S.

ARY No. .....

1173-14
Mysore
FILE No. 544-13
SERIAL No.

5

Presented by Mr Krishna Rao
on 11/5/14

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
(Muzrai Branch)
Bangalore.

Respected sir,

The appellants, Chick Puttasami Chetty, pro-tem Manager, Gosai Musafarkhana at Nanjangud and tenants of the Jodi lands granted to the Musafirkhana in the Sargur village of the Nanjangud Taluk, most respectfully beg to present this appeal petition against the order of the Deputy Commissioner, Mysore District, dated 28.3.14 directing the assumption of the management by Government of the Jodi lands and the Musafirkhana built by Hemagiri Gosai in Nanjangud town and the sale of the gutta of the lands endowed to it, for the following among other reasons:-
The facts of the case briefly are as follows:-

1 One Hemagiri Gosai built a Musafirkhana at Nanjangud in the year 1856 at a cost of Rs.1314-8-0 (Vide enclosure to Nanjangud Amildar's report to the Huzur Commissioner No.406 dated 11.12.1857) and under the Chief Commissioner's circular of 1846 then in force, the grantee was given certain dry bunjar lands(dry numbers 121,122,123,124, 126, 129 and 133) in Sargur village of Nanjangud Taluk, measuring 15 candies with a beriz of 30 kantiraya pagodas on a Jodi of 3 pagodas for its maitenance as laid down

(25)

down therein (Vide Division Commissioner's order No.59 the 10th March.1858).

2. The original grantee Nomagiri Gosai and his Chela Narapathi Gosai enjoyed the said lands and continued to maintain the charity in good order as required by the rules till about 1875, when on account of a Civil litigation against Narapathi Gosai, the Musafirkhana in question was brought to sale by the Civil Court in Execution of certain decrees in the Court of the Sub Division Munsiff of Nan- -ja pad ((i) O.S.45- of 1875 Exn. No.365 of 1875 Rameswamy Chetty Vs. Narapati Gosai. (ii) O.S.No.110 of 1876. Exn. No.650 of 1877 Venkata ramaiah Vs. Narapathi Gosai) against the said Narapathi Gosai and eventually came into the possession and enjoyment of one Venkata ramaiah.

3. After the Musafirkhana came into the possession of Venkataramaiah, there were some complaints that the Musafirkhana in question had not been maintained in good condition. By about this time a question was also raised by the Commissioner of Mandiaroog Division as to whether a chatram intended for the benefit of the public may be sold for the private debts of either the founder or manager of such building or his heirs and the matter was fully discussed and a revised order No.10539-Rev.61 dated 1st March 1878 modifying in certain respects, the circular of 1878 then in force, was issued by the Chief Commissioner of Mysore.

Under this order (vide para 3) it is expressly laid down that if the purchaser at the court sale executed a Mutcha- like or agreement of erring to abide by the conditions on which the grant of land or the erection of chatram was -- made, the same may be recognised by the Government but if he refused to do so the land can no longer be upheld as a rent free Jodi Inam but rendered liable to assessment at full rates.

4. With reference to the unsatisfactory condition of the Musafirkhana referred to in para 3 above, about which there were complaints, this aspect was also inquired into by the Taluk and Division authorities at the time and in the order dated 18.5.1878 (vide extract of "To" register No.109 dated 18.5.1878) the Division officer directed that mutachalika may be taken from the court sale purchaser Venkataramaniah binding himself to the condition to which the original grantee(Hemagiri Gosai) was liable and that a notice may be served upon Venkataramaniah requiring him to carry out the necessary repairs etc., to the building and after such repairs have been carried out the Jodi Inam lands originally allotted for the support of the Musafirkhana be made over to the said Venkataramaniah (No.109 of 18.5.1878.)

5. The aforesaid decision was also confirmed by the Deputy Commissioner, so that, practically, for all intents and purposes, the court sale purchaser Venkataramaniah legally stepped into the possession of the original grantee Hemagiri Gosai from 1878 and assumed possession of both the Musafirkhana and the lands and continued to enjoy them without any let or hindrance in strict compliance with the provisions of the rules of 1846 as modified by those of 1878. He further carried out the requisite repairs to the Musafirkhana and everything went off well till his life time.

6. After Venkataramaniah's death which took place about two or three years later his widow Rangamma, finding it inconvenient and difficult without outside help to manage the affairs of the Musafirkhana and the Inam lands endowed therefor sold both the Musafirkhana and the Inam lands assigned for its maintenance under a registered deed dated 17.9.1883 to Ramaswami Chetty(father of the present enjoyer and the Manager Chickkaputtaswami Chetty.)

7. The said purchaser in his turn assumed possession and

and management of the Vusafirkhana and lands and continued in their undisturbed possession and enjoyment. In 1897 when the sale made by Ramamma in 17.9.1883 in favour of the father of the Protem manager was also ratified by a registered deed by Ramamma's son Aswathnaranappa and upon the representation of the purchaser Ramaswamy Chetty and the protem manager Chikka-Puttaswamy Chetty, after full enquiry, the name of the purchaser was substituted by the Jamabandi officer in the Taluk records in place of the original grantee Vemagiri Gosai and Kh ta was made in the name of the purchaser.

8. It may be noted in this connection that as generally happens, mischievously inclined people sent up pseudonymous petitions to the Deputy Commissioner in 1890, representing that Chikkaputtaswamy Chetty was mis-appropriating the income of the Inam lands assigned to Vemagiri Gosai Varapathi Gosai Vusafirkhana. The then Deputy Commissioner did not think it necessary to enquire into the matter as the petition was pseudonymous, and merely directed that the repairs which had been put in hand might be carried out expeditiously (vide extract from "Tom register No.63" dated 18.3.189)

9. Nothing transpired thereon in the matter subsequently till 1903 or for over thirteen years. The lands as well as the Vusafirkhana continued in the undisturbed possession and enjoyment by the last purchaser Ramaswamy Chetty, and his son the present Manager. The charities continued to be kept up in an efficient condition, the requisite establishment for looking after the charities regularly maintained, and, in short, nothing transpired to disturb the peaceful enjoyment of the purchaser.

10 During the Inam settlement of the Nanjangud Taluk, the question of the settlement of the minor Inams originally assigned to the Vemagiri Gosai Vusafirkhana, came up for investigation and the necessary enquiries were made at the time.

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Finally in 1903 the Superintendent of Inam settlements recognised the nature of the Inam, and, as will be seen from the Inam Register, that Officer held that "this Inam was granted to Hemagiri Gosai for having built a Chatram (Musafirkhana in Nanjangud Taluk) as per Chief Commissioner's Isthihar of 1846, and also confirmed the original grant of 15 candies on a Jodi of Rs.8-11-8 or Rs.8-0-0 avoiding fractions". It was also mentioned that the Musafirkhana in question was in good order as per Amildar's report No.1228 dated 9.6.1903.

This decision of the Inam department was subsequently ratified by the issue of a final title deed No.35414 dated 7.12.1904 under which 36 survey numbers with a survey area of 224 acres 33 guntas assessed at Rs.131-8-0 was confirmed in the name of (ಚುಟ್ಟಪ್ಪ ಹಾವಿ ಶೆಂಬಡ್ಡಿ ಕ್ಕೆ ಕರೆಕರು ———) the manager of the Musafirkhana for (ಸುಸಾವರ ಹಾವಿ ಶಂಬಡ್ಡಿ ಕ್ಕೆ ಬೆಂಬಲ ಕ್ಕೆ — .) support of the Musafirkhana.

11. Thus the undisturbed possession and enjoyment of Chikkaputtaswami Chetty was beyond doubt established under the aforesaid decision and orders, and, on his part, the said Chikkaputtaswami Chetty as the manager for the time being has continued to do his best in maitaining the Musafirkhana in as efficient condition as possible and ensuring their usefulness to travellers, and no complaints are received from any parties to say that the Musafirkhana has not been kept in good condition.

12. It may be noted in this connection that the Chief Commissioner's rules dated 28th June 1846, relating to the grant of banjar or waste lands to Chatram or Musafirkhana lays down as one of the conditions of the grant that it shall be open as to general benefits to all classes and castes, and any neglect in keeping them in good repairs ensuring their usefulness to travellers , shall subject the Jodi lands granted to resumption. So far as the Manager for the time being is concerned, Chikkaputtaswamy Chetty has adhered and is still adhering to conform strictly to the rules laid down by Government for the regulation

regulation of cases of the kind. About the latter part of the year 1911 or thereabouts a pseudonymous article appears to have been published in one of the Vernacular papers, to the effect that the Amildar of Nanjangud Taluk will make proper arrangement for the distribution of the Sada-bart to the Gosais daily in the Maharaja's Chatram for which Inam lands are endowed in the Alunder village of the Nanjangud Taluk. The details of this representation are not fully forthcoming nor has any enquiry been held to ascertain the bonafides of such a statement. But from what little information the manager has been able to gather from the copies of official records obtained from the authorities, it is seen that some enquiries were instituted both by the Amildar of the time and the Divisional officer of Nanjangud on the so-called complaint made by the newspaper writer, with the result that in a lengthy order dated 22.8.1912 the Divisional Officer has held without adequate grounds that the manager is required under the terms of the grant to provide food and rations to the travellers coming to the Musafirkhana an inference not warranted by the facts or even by the probabilities of the case and also ordered the resumption and sale of gutta of Inam lands contrary to rules. Against this order, the holders of the lands in question, who, including their ancestors have been enjoying the lands, in their own rights for over fifty years, appealed to the Deputy Commissioner of Mysore protesting against the Division Officer's exparte decision and the illegal attachment of the lands by the Amildar, praying for its cancellation. Whereupon, the Deputy Commissioner heard the parties, and, in his order dated 24.5.13, held that the Musafirkhana was not in good condition and it was correct to assume the management by Government. He also upheld the Sub Divisional Officer's order as regards the sale of the gutta of the lands in auction, and the attachment of lands by the Amildar though such attachment was beyond his jurisdiction.

13. Against this order, a revision was applied for to the Deputy Commissioner urging among other matters that there were certain documentary records to be gone into before the Sub Division Officer's orders were confirmed, on which he was pleased to pass the following order:-

" The petitioners may accept the terms offered if really they have a case for concession and documentary evidence in support thereof, I shall have no objection to review the order already passed. As the cultivation season has commenced and will soon commence it is necessary that the matter who is to cultivate should be immediately settled."

It is however a point in favour of the holders of these lands, that, in spite of the above correspondence and order, and the holding of the gutta auction sales, the possession of the present holders has not in any manner been disturbed or affected, and the gutta auction purchasers have not entered into the possession of the Inam lands nor have the sales been confirmed.

14. The status quo continues now as it was in 1903, when the Inam settlement announced its decision in favour of the holder. So much as regards the facts of the case and how the matter stands at present.

15. After careful consideration whether it is not necessary or desirable to apply for a cancellation of the Deputy Commissioner's order dated 24.5.1913 which though not brought into effect, will still have full force and effect unless modified and may at any future time act prejudicial to the appellant's interest, the appellants applied to the Deputy Commissioner for the cancellation of his order quoted above.

16. The reasons for directing the assumption of the charity by Government, as given by the Deputy Commissioner are as follows:-

1. (a) That Chikkaputtaswamy Chetty the present manager is

his legal representatives is to be recognised by Government or not : on this question, it is not correct to hold that the relation created by the present holder ceased when the Government has stepped into the possession of Inam lands for alleged default by the grantee or his representatives or heirs. There is nothing in the Revenue Law to support such a view. When once the owner of a property creates a relation with the holders, it binds the representatives of the grantee also for the same contract.
For instance when an Inam land is forfeited to Government for the default of the Inamdar, the Government can only take the assessment by the holders, but they cannot substitute a new contract with the holders. As the petition holders were the legitimate holders of the survey numbers, at the time of and subsequent to the Survey Settlement, the contract they entered into with the Inamdar binds the Government which now steps into the possession of the property as the representative of the grantee. To infringe this in any way whatever, is against the policy of the Revnue Administration. To sell the gutta of the lands and oust the holders is illegal as the rule under which the grants of land were given to the maintenance of the Musafirkhana does not authorise their being declared the property of the State. (vide Judicial Commissioner's letter to the Secretary to the Chief Commissioner General Department, No.2042-215 of 4.12.1876)

Even if the grant is resumed by the Government, the Jodi land can only be assessed at full rates. In this case, only the assessment of 30 kantiraya pagodas was given to the institution but not the income or the produce of the land. Therefore the upholding of the sale of the gutta of lands in question does not appear to be appropriate.
The Deputy Commissioner has failed, in toto, to take into consideration that the lands granted were only banjar or

35

or waste lands and that the holders have spent enormous sums for improving the lands and bringing them into their present condition. The Deputy Commissioner has unfortunately failed to observe that but for the laying out of thousands of rupees for their improvement the lands could not have been what they at present are - and if this contention is admitted, are not the holders or the manager entitled to be reimbursed for all their cost? By holding that the income should be devoted for sadabart, the Deputy Commissioner is depriving the very subsistence of the present holders, whose ancestors have depended upon them for a long period of about 60 years.

The Deputy Commissioner after hearing the arguments of the appellants' council on the 28th March 1914 was pleased to modify his original order to a certain extent but rejected the review petition of the appellants and refused to cancel his original order quoted above on the grounds namely that he was not satified that Chikkaputtaswami Chetty has a valid title, that he was unauthorised alienee of Dharmadaya Inam and that he the Deputy Commissioner, could not grant that the object of the Inam grant was that the institution should get the kandayam thereon ,

As the appellants have failed to find justice in the above orders of the Deputy Commissioner, they deem it necessary to approach Government for a revision of the same.

The arguments above advanced in the previous pages of this memorial cover more or less all the objections taken by the Deputy Commissioner. It is not understood how Chikkaputtaswamy's title could be deemed unauthorised, as the Deputy Commissioner says, when it is admitted and borne out by documentary proofs that he is a legal representative of the original grantee and the Deputy Commissioner is himself prepared to grant, that Venkataramaniah's(Chikkaputtaswamy's predecessor) title to the property is valid. When it is admitted that Venkataramanaiah's

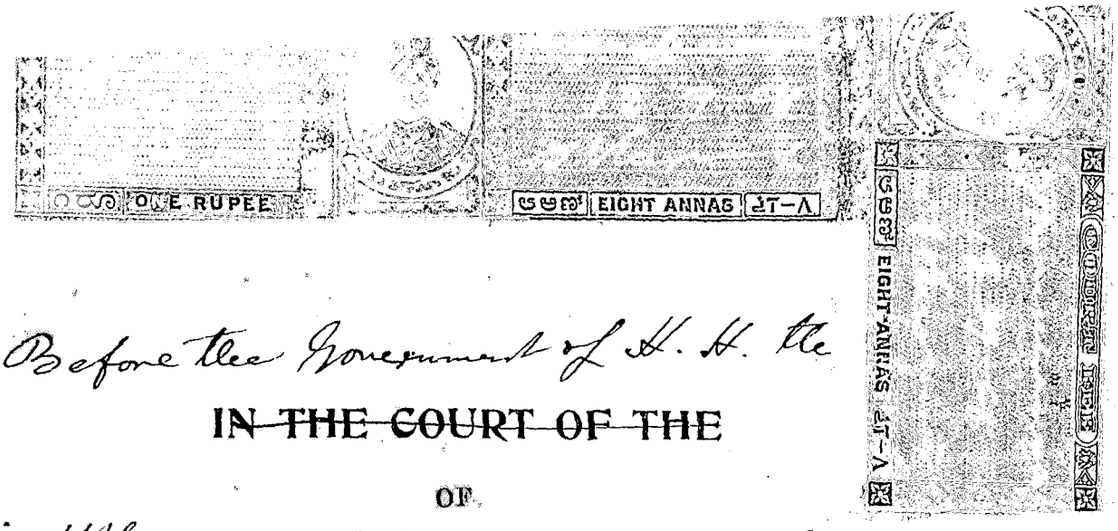
Venkataramaniah's title is valid it must ipso facto follow that that the right of his vendee is legally valid. Moreover the Deputy Commissioner's finding that the order of 1878 (No.10539 or 61 dated Bangalore 1st March 1878) made stringent provisions against <u>future alienations</u> is not quite correct and to the point. A perusal of the Government order goes to show that it is in regard to <u>future grants</u> that the conditions were made more stringent and explicit and that it in no way interfered with grants made years before the said order came into existance. The Deputy Commissioner has also failed to note of the fact that only 30 kantiraya pagodas or its equivalent were assigned for the Musafirkhana and not the entire realisation from the land. So long as the conditions of the grant are fulfilled no interfearance seems justified.

With reference to that portion of the objection taken by the Deputy Commissioner in the order under advertance that the tenants are neither perpetual lessees nor kadim tenants it is respectfully submitted that such an argument cannot apply to the present case. In this case the tenants are in undisturbed occupation of the lands for over half a century. For all intents and purposes that they are dealing with them as their own personal and private property, they have improved the lands, raised buildings upon them, and spent large sums of money over them. There are not less than one hundred tenants holding possession of the lands under dispute. Many of whom derive their rights by transfer or sale from the original tenants and on their part contributed to improve the lands and increased their saleable value. In short these frequent sales or transfers or other alienations have been carried out with the full knowledge, cognizance and acquiescence of the land lord himself.
On the face of such circumstances it is difficult to understand how the Deputy Commissioner could have considered the tenancy as one which does not come under a permanent

permanent character. Any one with a full knowledge of the previous history of the case and the extent to which the tenants have exercised their rights of ownership, cannot, in fairness, deny or fail to admit that the numerous tenants on their (tenants') part, if not anything else have vested in them a heritable and transferable right the validity of which has been recognised by the land-lord and which at this distance of time it is inequitable either for the land-lord or Government to question.

For the above reasons the appellants most respectfully pray that the entire records connected with the case may be sent for and perused, that the Deputy Commissioner's order of 28.3.14 upholding the management by Government of the Jodi lands be set aside and that the undisturbed possession and enjoyment of the appellants under present terms be continued unmolested. For which act of kindness appellants feel highly greteful

M. K. [illegible]
Master [illegible]
Appellants.



Before the Government of H. H. the

~~IN THE COURT OF THE~~

~~OF~~

Inregrl Appl. ~~CASE~~ No 15 OF 1917 – 1918

Appellant. ~~Plaintiff~~ ~~Defendant,~~

Shiddamada,
Puttamada, & others.

V. S.

1. We ..... the undersigned abvoe named do, by these presents retain appellants
Messrs L. Srinivasiengar, V. Venkatachar, B.A.B.L, & Bali Vasudeva Murthy to appear for and conduct the above case
on ....our..... be half to Judgment

2 ..We..... further empower him to execute anydecree, or order that may be passed in .....our..... behalf, and receive, from Court such sums of money as .....We..... may be entitled to get and to grant receipts therefor

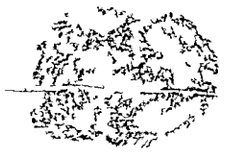
3 We ..... also under take to confirm and ratify all the legal acts done by the said ~~.....~~ ..... in so doing

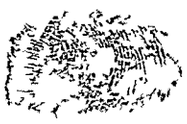
Baily Vasudevamurthy
Counsellor at Law

Dated 191
Accepted 18/11/1919.

Signed before me and personally known to me

S. K. P. PRESS MYSORE.





Signed before me
M. K. Krishnan
Mukt

Order of the Deputy Commissioner Mysore district on correspondence ending with yadi No 270 dated 21.4.1913 from the Sub division officer Nanjangud in the matter of the disposal of the lands situated in Sanjan Village Nanjangud taluk and given as jodi to the Sonaji Ramasubbana at Nanjangud Kasaba:—

order:—

Heard Sri Krishnamachar in support of his petitioners.

There are two matters to be dealt with in this case:—

(1) Whether the management of the Charity is to be assumed by Government or not and (2) if it is to be assumed whether the alleged Kadim tenancy is to be recognised or whether the tenants are mere tenants at will

The records now available do not show who founded the Charity and for what purpose. The Inquiry Register, if a copy is obtained from the Superintendent's Office, is likely to furnish information on this point.

From the petition of the

Chetlka Ruttasami Chetty of 6th May 1912

it is clear that his ancestors did not found this Charity and that the properties came to his family by sale under a Civil Court decree. The lands being called Fosaji mala it maybe that the founder was a Fosaji or that the Musafirkhana is intended for Fosajis. In the latter case a Sadabart is generally given to Fosajis the object might have been to give this in this case also. As stated above these are matters that will perhaps be cleared by the Inam Deputy.

Chetlka Ruttasami Chetty is admittedly an alience of Dharmadaya Inam land. It is also reported that the Musafirkhana building is not in a good condition. In these circumstances it is right that the management should be — assumed by Government.

As regards the second point the records show that the lands were banjar for many years and special concessions had to be shown to ryots to take them up and settle there. These special concessions cannot be looked upon as creating a Kadim tenancy, and any such tenancy created by the alience cannot be recognised.

I am not prepared to recommend the

allied

alleged Kadim tenancy.

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It has been the express object of the Sub Divisional Officer not to disturb the present tenants. His idea is to keep them on if they agree to pay the rents offered ~~to~~ in the auction. Some of the tenants have offered rents in the auction and they have been the final bidders. The others would be well-advised if they took up the lands for these rents and then urged their rights before the appellate authority. They will be given time till the 15th June next to do so. In the event of them failing to take up the lands for these rents on or before that date the sales will be confirmed and the bidders will immediately be put in possession of the lands.

Sd/- A Subramanya Iyer
Deputy Commissioner
Superintendent

24-5-1913

"Copy"

A Subramanya Iyer
District Sheristadar
Deputy Commissioner's Office
Mysore

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do delivered 2-6-1913
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Order

This is a very ably drawn up petition praying for the review of my order of 24th May 1913. One of the reasons that lead me to entertain this review petition was that the ryots feelingly made a representation to the Dewan when he visited the Nunjanpad Taluk

The interests of 2 parties are involved in this case. The first party is the Manager Srinivasa Puttiswamy Chetty,

COMMISSIONER MYSORE

of the lands. Upon a perusal of this petition and the papers referred to therein I am prepared to grant that Venkatarammaiah's title to the land is valid and that it is not likely that Sadabart was expected to be given. I am not satisfied that Chick Puttasami Chetty has a valid title. The order of 1878 while recognizing alienations of previous years made stringent provisions against future alienations. Though Chick Puttasami Chetty's father Ramaswami Chetty might have been an auction purchaser in 1875 or so his title to the land arose in 1883 after purchase from Venkataramanna's widow Ranganna as stated in paragraph 6 of this petition. I am still of opinion that Chick Puttasami

Chetty is an unauthorized alienee of Dharmadaya Inam land and is therefore liable to be deprived of the management.

I cant grant that the object of the Inam grant was that the Institution should get only the Kandayam thereon. The Inamdar is to get as much as possible from the lands and use the income for the charity. Unless Kadim tenancy is established there cannot be much distinction between a perpetual lease and a lease for Survey assessment which is grossly inadequate rent. I am not satisfied that there are any reasons to modify the original order and make it favorable either to the ryots or to Chick Puttaswami Chetty and reject this petition.

28-3-1914. Sd/. A. Subrahmanya Ayyar

Dy Comm'r

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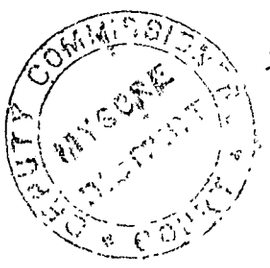

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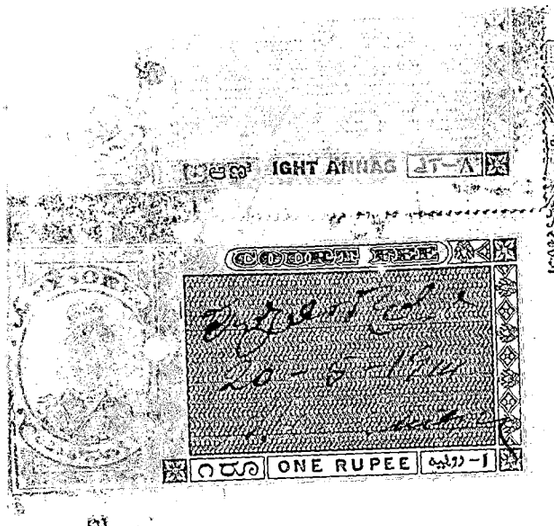

Presented by
Sri A. Krishna Rao.
11/5/14

the Government of

Highness the Maharaja of Mysore,

General and Revenue Department.

(Muzrai Branch)

L.R. 128

Respected Sir,

The petitioners beg to represent, that they have presented an appeal to Government against the order of the Deputy Commissioner directing the assumption of the management by Government of the Jodi Lands granted to the Mussaferkhana built by Hemagiri Gosai (predecessor in title to Chickkaputta Swami Chetty the present petitioner) at Nanjangud, and the sale of the right of the gutta of the said lands.

The deputy Commissioner has issued orders to the ~~[illegible]~~ Amildar to take immediate possession of the lands from the petitioners. The giving of immediate effect to the orders issued by the Deputy Commissioner works heavily upon them as they entirely depend upon the produce of these lands for their subsistance.

Further they beg to state that the petitioners number more than hundred, own enough of properties in the same village, and there is hardly any chance or prospect of their absconding or ~~[illegible]~~ evading the orders of the Deputy Commissioner from being executed should the appeal be decided against them.

In these circu[illegible] petitioners [illegible] that the orders may be issued to the Deputy Commissioner to keep his orders in abeyance pending the disposal of the appeal.

M. K. Krishnaraj
Mysore
11. 5. 1914

We beg to Remain,
Respectfully
Your most obedient servants
[illegible]

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ಎರಡು TWO RUPEES ರೂ-೨

Recd. 5/1/14. ಅಫೀಲು ಅರ್ಜಿಯು ಶೆರೇಸ್ತೂ ಸರಿಯಾಗಿ ಬರೆದಿಲ್ಲವಾದ್ದರಿಂದ ಹಿಂತಿರುಗಿಸಲಾಗಿದೆ.
ಹಿಂತಿರುಗಿ ಬಂದ ದಿನಾಂಕ (ಮತ್ತು ಸಹಿ).
Recd. 5/1/14
Mean called
21.5.14

ನಂ ೧೯೧೩—೧೯೧೪ನೇ ಅಫೀಲು ನಂಬರು

ವಾದಿ
(ಅಫೀಲು)

ಚೆಲ್ಲಕ್ಕ ಪೈಲ್. ನಿಂಗಯ್ಯ ಅಂಡ್ ಕೋ

ಸಿ. ಅಂಡ್ ಎಸ್ ಸಂಸ್ಥೆ

VS.

ಪ್ರತಿವಾದಿ

ಈ ಕೆಳಗೆ ರುಜುಮಾಡುವ ಅಫೀಲು ಅರ್ಜಿದಾರ

ಇದರಿಂದ ಮೇಲ್ಕಂಡ ಮೊಖದ್ದಮೆಯನ್ನು [illegible] ಪರವಾಗಿ ಆಖೈರುವರಿಗೂ ವಿವಾದ ಜರುಗಿಸಲಿಕ್ಕೆ ~~ಅಫೀಲುದಾರರ ಪರವಾಗಿ ಮೈಸೂರಿನ ಸಿವಿಲ್ ಕೋರ್ಟುಗಳಲ್ಲಿ ಯಾವ ವಕೀಲರಿಗಾದರೂ~~ ಕೆ. ಎಸ್. ವೆಂಕಟರಾಮಯ್ಯಂಗಾರ್ ಬಿ.ಎ.ಬಿ.ಎಲ್ ವಕೀಲರಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ.

ಮೇಲ್ಕಂಡ ಮೊಖದ್ದಮೆಯಲ್ಲಿ [illegible] ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರೀಮಾಡುವದಕ್ಕೂ ಕೋರ್ಟಿನಿಂದ ರೀಫಂಡಾದ ಸ್ಟ್ಯಾಂಪನ್ನು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಮತ್ತು ದಸ್ತಾವೇಜುಗಳನ್ನು ವಾಪಸು ಪಡಿಯಲಿಕ್ಕೂ ಸಹ ಇದರಿಂದ ನಿಮಗೆ ಸಂಪೂರ್ಣವಾದ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ.

ಈ ಆಧಾರದ ಮೇಲೆ ನೀವಾಗಲೀ ಮತ್ತು ನಿಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲೀ ಮಾಡುವ ಮೇಲ್ಕಂಡ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು [illegible]. ಮುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಈ ಕೆಳಗೆ ರುಜುಮಾಡಿದ್ದೇನೆ.

x [illegible]

ಕಕ್ಷಿಗಾರನು ಬಲ್ಲವನಾಗಿದ್ದಾನೆ.
ನನ್ನ ಸಮಕ್ಷಮ ರುಜುಮಾಡಿದ್ದಾನೆ.

M. K. [illegible]

ಒಪ್ಪಿದ್ದೇನೆ.

T. V. Narasimhachar

ಅಫೀಲುದಾರರು

T. V. Narasimhachar

K. N. & Co., Prs, Mysore. 16. 5. 14.

(1)

Assumption by Govt of the management of the Jodi Lands of the Musafarkhana built by Ramagiri Gosaiji Nanjangud town etc

GOVT. OF H. H. THE MAHARAJA OF MYSORE.

GEN. & REV. SECRETARIAT.

OFFICIAL MEMORANDUM

No 3303 / 3265

No 2544 / 113 3

The accompanying Petition Registered

No 2140 dated 11/5 May 1914

21/5

received at the General and Revenue Secretariat from Chick. Puttasami Chetty, manager, Gosai Musafarkhana at Nanjangud and the tenants of the Jodi lands granted to the Musafarkhana in the Sargur Village, Nanjangud Taluk, appealing against the order of the Dy Comr directing the assumption of the management by Govt of the Jodi lands and the Musafarkhana and the sale of the Gutta of the lands endowed thereto etc

is forwarded, together with its 3 enclosures, to the Deputy Comr, Mysore for report with records.

2 The Dy Comr is requested to hold this order in abeyance pending disposal of the appeal by Govt.

By Order,

2/5

Secretary to Govt.

21/5/14

BANGALORE

191

P T O

CIR 164 3618

ಅರ್ಜಿದಾರ್.....ತಾಲ್ಲೂಕು

.....ಹೋಬಳಿ

.....ಗ್ರಾಮವಲ್ಲಿರುವ

.....ಗೆ

ಇಂಡಾರ್ಸ್ ಹುಕುಂ.

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ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕ್ಕೊಂಡ.....

ಪುರ್ಸ್ವಿನ ಅರ್ಜಿಯನ್ನು.....ಬಗ್ಗೆ

.....

.....ರವರ ಬಳಿಗೆ ಕಳುಹಿಸಿದೆ.

ಬೆಂಗಳೂರು,

.....191 .

By Order,

Secretary to Govt.

Mysore

No 3304 Dt 26 May 19 14.

Endorsement granted to Chikka Puttasami Chetty and others in reply to their letter dt: 11/21.5.14 appealing against the order of the Dy Comr Mysore dt, directing the assumption of the management by Govt of the Jodi land endowed the Gosai Musafarkhana at Nanjangud and the sale of the Gutta of the land &c.

The petitioners are informed that the appeal petn has been sent to the Dy Comr Mysore for report with records and that he has also been requested to hold his order in abeyance pending disposal of the appeal by Govt.

By order

Illegible

2-5-14

Secretary

21/5/14 Put (65)

21/5

ENTRY No. 37

1914-1915

SECTION Mysore

FILE No. 546/13

SERIAL No. 4

From The Dist. Commissioner Mysore District 11/8/1914

To The Secretary to the Govt of Mysore Gen. Secy: Depty Mysore branch

Dated 6/7/14

Despatched

Received

General No. 2

No.

Enclosure No. one file.

Submits report with records on the appeal petition presented by Chik Puttasami Chetty Manager, Gosayi Mutsuddiah at Nanjangud and the tenants of the Jodi lands granted to the Musafirkhana in the Sarpur village.

GPB—50 000—26 9 12

Mysore District

Dated 6th July 1914.

From

A. Subrahmanya Iyer Esqr, B.A

Dy Commissioner,

Mysore District,

To

D. N. Narasinga Rao Esqr. B.A, B.L

Offg: Secretary to the Govt of

H.H. the Maharaja of Mysore

General & Rev Department

Muzrai Branch

Sir

With reference to your C. M. No 3303 Muz: 544-13 2 Dated 26-8-14 forwarding for report with records petition from Chikka Puttaswami Chetty, Manager, Gowri Musafirkhanes at Nanjangud and the tenants of the Jodi lands granted to the Musafirkhana in the Sargur village, Nanjangud Taluk, appealing against the order of this office directing the assumption of the management by Govt of the Jodi lands and the Musafirkhanes and the sale of the gutta of the lands enjoyed thereto, I have the honor to submit herewith the entire records received with Judi No 322 dated 12th June 1914 from the Sub Dy Asst of Nanjangud and to state that the facts of the Case are detailed in my orders dated 24th May 1913 & 28th March 1914 respectively, (Berists Nos 50 & 56). The original orders also accompany.

I have the honor to be

Sir,

Your most obedient servant

Dy Commissioner.

inam register

(5

File 544-13

Serial No. 5

G. R. S. 26]

Diary No. of letter replied to 37

No. 969

General and Revenue Secretariat

( )

, the 191 .

To

The Supt of Inam Settlements in Mysore,

Sir,

Date of issue 14-11-1914

Signed by Narayana Iyengar

I am directed to request that there may be sent to ~~be furnished to~~ this office ~~with~~ extracts from the Inam register pertaining to the grant of Dharmadaya inam lands measuring 224-3-3 and assessed at Rs. 131-8-0 in Saragur village, Bilagere Hobli of the Nanjangud Taluk, for the maintenance of the

over.

SUBJECT.

musafarkhana at Nawgaon.
I have etc.
for 5/11/11
For Offg. Secretary.
Dft
RC
3/11/11

List of enclosures,

Copied by

Examined by

GPB—25,000—8-8-11.

No. 50

Enc. One

Office of the Superintendent
Inam Settlements in Mysore
Dated Bangalore, 18th November 1914

From

K. Darashah
D. ~~Shama Rao~~. Esq. BA
Superintendent of Inam Settlements
in Mysore, Bangalore.

To.

D. M. Narasinga Rao Esq^r. B.A B.L.
Offg Secretary to the Government of
H. H. the Maharaja of Mysore,
Genl. and Rev. Dep^ts.

Sir,

As requested in your letter No. 969 dated 14. November 1914, I have the honor to forward herewith a copy of the Inam Register pertaining to the grant of Dharmadaya inam lands, for the maintenance of the Nunsaperkhana at Ranjangud.

I have the honor to be,
Sir,
your most obedient Servant

K. Darashah
Superintendent of Inam
Settlements in Mysore

GPB—200—2-3-11

Lavagoorie Village

Copy of the Register of Inams in the village of Lanagoroo in the

CLASS, EXTENT AND VALUE OF INAM

Number of case or entire holding under one grant in this village	General class to which the Inam belongs	Survey No. and name of field or fields comprised in the grant Dry, wet or garden	Extent	
			Local measure Even where the local measure is in acres, guntas, and annas, it is to be entered in this column	Measure in acres and their fractions in decimals
1	2	3	4	5
3.	Dharma daya	Dry Nos 121 122 123 124 125 126 129 133	N. Chatram Musafarkhana account of 1858. K – C – P 15 – 0 – 0.	

anjangode in the Taluk of Nanj

		DESCRIPTION, TENURE AND	
Old assessment	Survey assessment	Description of Inam If for service, it is to be stated whether the service is continued. If for tanks, buildings, etc, whether they are efficiently kept up Hereditary or for life	Whether free of tax, etc., or liable to quit-rent, *i. e.*, jodi, etc., amount of latter to be entered
Where no survey has been made and no assessment fixed by Government, the cess paid by the raiyats to the Inamdar, or the average assessment of similar Government land, should be entered in column 7			
6	7	8	9

P. 7 - 1
30 — . — —
= Rs — a p
87 — 4 — 4.

For the Support —
of the Nunagarkhana jodi
at Nanjangode, P. 7. 1
It is in good 3 — — —
order as per = Rs a p
Amildar's report — 8 — 11 — 8.
No 1228 dated
9/11 . 6 . 1903.

DOCUMENT IN SUPPORT OF THE INAM

By whom granted and in what year	Written instruments in support of the claim, original sannad, all miscellaneous documents, and other proofs of long possession. In this column it should be stated whether the Inam is held with or without grant, whether the grant is produced or lost, etc., and the general specification of terms of all documents produced should be given
10	11

As per Chief Commissioner's Circular of 1846.

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND

Name of original grantee	Name entered in the register prepared by Poorniah up to 1810	Name entered in the accounts subsequent to 1810
12	13	14

granted to Hemagiri Gosayi. — (Musaparkhana)

Huzur Chatram Musaparkhana account of 1858. —

This inam was granted to Hemagiri Gosayi, for having built a Chatram in Nanjangode as per Chief Commrs. circular Dr. of 1846. Also Division Commrs. correspondence to the Huzur office and yadi No. 40 of the 23rd Ultimo; and ~~other~~ order No. 59 of the 12th March 1858. —

Saragoor village

Dry	k. 15	c —	a —	Jodi	P. 3	f. —	a —
Beriz	P. 30	f. —	a —					

of the

OF SUBSEQUENT AND PRESENT HOLDERS

Particulars regarding present owner. If the inam has been sub-divided, the name, etc., of each sharer should be entered in the columns.

Residence, name and age, etc.	Relation to original grantee or subsequent registered holders	Surviving heirs of the present incumbent	If unconnected with the original holders, possession how obtained, and in what year
15	16	17	18
Rangangode			
Musafarkhana	-	-	-
Manager protem.			
	+ No 1228 dated 9/11 June 1903.		
	R/- 3.7.903	L of - g. D. Grant - Supdt	
Bangalore		"Copy.	
Dated 17 Nov 1914		Illegible	
		A Supdt of I. Services	

(64)

Division

GPB—'00—29-3-08

LENGTH OF POSSESSION

Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding validity or excess of the Inam. Assistant's opinion and recommendation	Review by the Special Assistant and confirmation by the Inam Commissioner
19	20

1. A Complete Grant.

Chatram Inam. —

2. This Inam was granted for having built a Musafarkhana in Nanjangod as per Chief Commrs Estahar. Vide Ashtagram Commrs order no. 59 dated 12th March 1858. —

3. Huzur Chatram account of 1858 has been adopted

4. The Extent in Col: 4 has been Confirmed on a godi of Rs: 8-11-8 or Rs 8-8-0 avoiding fractions. Valid under Rule E. One Title-deed. —

5. See Correspondence ending with Nanjangod Amildars report +

165

837

Hy. 15
Inam
544-13
6

1/Rev/1914.

1914.

From

The Superintendent,
Inam Settlements
in Mysore.

To

The Secy. to the Govt. of
H. H. the Maharaja of Mysore,
Genl. & Rev. Depts.

Dated 18th November 1.

Despatched

No. 50
Enc. one

SUBJECT.

Forwards Copy of Saragur village, Nanjangud Taluk

66

G.R.S. 26]

SUBJECT E Calls for further information on the appeal petition of Chikkaputtu Sami chetty and others regarding Nanjangud Dharmadhikari

Diary No. of letter replied to 8-37

Section Inam
File No. 544
Serial No. 7 (813)

General and Revenue Secretariat

( )

, *the* 191 .

No. 1081/Sri V.P.
5744-13-Pa

Date of issue 2/11/15

To

The Dy Commissioner,
Mysore Distt

Signed by

Adverting to his letter no. 2 Dy 6th July 1914 reporting on the petition from Chikka Puttasami chetty, Manager, Gosai Musafirkhana at Nanjangud and the Tenants of the Jodi lands granted to the Musafirkhana in the Saragur Village, Nanjangud Taluka, appealing against the

OIC)

(6)

by Commissioner's order directing the assumption of the management of the Jodi lands and the musafirkhana, has the honor request to be furnished the information on the points noted below:—

1) Did the original alienee Venkataramaniah who purchased the building in the Court sale held in 1875, held on lease under obtain a revised Sanad ~~so directed~~ with the modified conditions prescribed in in the Chief Commissioner's Pro. No. 10539- Rev. 61 dy 1st March 1878, or is he bound only by the Terms of the old Sanad? and

(* printed in pages 32 of the Muzrai Manual

List of enclosures.

(2) Did Venkataramaniah execute a muchalika, and if so what are its Terms? indicated at para 3 of his above letter

2) the Vernacular record on the subject;

Copied by

Examined by

G.R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

are herewith returned for
reference and re-submission.

By order,

for Rev. Secretary.

W.D. 024. G —,6,00. 19 5 16—S.

1917

Diary No. 1791
197-1917
...ON ...
...No. 5944-13
...No. 8

GEN. & REV. SECR...
V...
MU...
2...

From

The Deputy Commissioner
Mysore District

To

The Joint-secretary to Govt.,
Forest Department,
Bangalore.

Dated 13th April 1918.

Despatched 18½ April 1918

Received

General No. [illegible]
No.

Enclosure No.

Recd 20-4-1918

Submits further report re Nanjangud Musafirkhana.

Office of the Deputy Commissioner,
Mysore District.
Dated, Mysore, 10th April 1920.

From

T. Cholkanna, Esquire B.A.,
Offg. Deputy Commissioner,
Mysore District.

To

C. Narayanaswami Iyengar Esquire, B.A., B.L.,
Joint-Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore.

Sir,

In reference to your letter No.1081/544-13-7 dated 2nd [illegible] have the honor to submit herewith all correspondence ending with [illegible] Officer's No.907 dated 26th March [illegible] Munsif of Nanjangud reports that the [illegible] enjoyed by Chikka [illegible] old sanad and the rules [illegible] or Chattrams and Musafirkhana [illegible] petition dated 11th January [illegible] Chief Commissioner's [illegible] 1875.

I have the honor to be,
Sir,
Your most obedient servant,

Assistant Commissioner,
Offg. Deputy Commissioner,
Mysore District.
(Absent from Station).

Before the Government of His Highness the Maharaja of Mysore.

Appeal No. 15 of 1917 18

Appellant

Chikkaputta Sami Chetty, Manager of Nanjangud Ramatirthaswami, and Chikka Nanja and others Rayals of the Srirangapatna Taluk

Respondent

Subject.

Appeal against orders dated 26th May 1913 and 28th March 1914 of the Dy. Commr., Mysore Dist., directing the assumption of the management of Hemaga Gowri Ramatirthaswami at Nanjangud and its endowed properties, and the sale by public auction of the lease right of the Girvani Cowle

Decision The case was heard on 16th May 1919, the appellant being present in person and represented by [illegible] Advocate, [illegible]

GPB—1,000—8-8-11

Order. 72

The Dy Com^r of Mysore in the order of 28th March 1914 attached against, while allowing that Venkataramanaiah's title to the Dharmadi lands attached to the Dharmasatchana is valid, considers that the present Adhikari Subbarami chetty is an unauthorised alienee thereof and as such liable to be deprived of the management.

As a matter of fact, it appears that Venkataramanaiah himself was a purchaser of the Dharmasatchana lands at a Court-sale of 1878, and that Subbarami chetty further purchased the same from Venkataramanaiah under a sale in 1883, and that the former and the present Adhikari have been in management and possession ever since that time. The case of these persons cannot be said to be very much worse than that of the original alienee Venkataramanaiah.

On the next place, there is the fact that this is not a case of an alienation of inam lands away from the charitable institution for the upkeep of which they were granted, but that the institution and the lands have been transferred together to the same person. In other words, this is not a case of diversion of inam lands from their

in final objection to which Sir John
the Bishop of 17th Nov 1877 is
by me applies. And since then
is nothing to show that the unsan-
tified means being maintained
by the present manager or that
the sacred ~~[illegible]~~ lands is being mis-
appropriated by him, and since
as ~~[illegible]~~ already stated
he & his father before him have
been in power management
for over 35 years, Govt. do
not consider it necessary or
just to turn him ~~[illegible]~~
adult out remains and
leave the management of
the estate always be open to the
Govt. Officer to make such
enquiries as he may deem fit
and such other action as may be found
by the Govt. to be necessary
Sept 1950. And subject to this
I do not see any reason why the
application should be refused and
the order under which the estate
is managed by the present manager
should not be continued
I do not consider it necessary to give any decision as to
the character of the tenancy of the
other applicants —

(G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Memo No. 4000 Secondary Records

Dt 20th June 1919

Copy to the Dy. Comr, Mysore Dist., returning the entire record received with his letter no 146 Dt 18-4-1916.

B.C.
Dy
26/5/19

K.D.
24/5/19. DCR)
Secretary
Revenue Dept.
24/5/19

Copy to the applt. through their Advocate Mr V. Venkatachar.

B.C.
Dy
26/5/19

K.D. DCR)
24/5/19.
Secretary,
Revenue Dept.
24/5/19

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE.

Appeal No.15 of 1917-18.

Appellants.

Chikkaputtasami Chetty, Manager of Nanjangud Musafirkhana, and Chikka Mada and other raiyats.

SUBJECT.

Appeal against orders dated 24th May 1913 and 28th March 1914, of the Deputy Commissioner, Mysore District, directing the assumption of the management of Hemagiri Cosai Musafirkhana at - Nanjangud and its endowed properties, and the sale by public --- auction of the lease right of the inam lands.

DECISION.

The case was heard on 16th May 1919, the appellants being present in person and represented through their Advocate Mr.V. Venkatachar.

2. The Deputy Commissioner of Mysore in the order of 28th March 1914 appealed against, while allowing that Venkataramaniah's title to the Dharmadaya lands attached to the Musafirkhana is valid, considers that the present 1st appellant Chik Puttaswami Chetty is an unauthorized alienee thereof and as such liable to be deprived of the management.

3. As a matter of fact, it appears that Venkataramaniah himself was merely a purchaser of the Musafirkhana and of the inam lands at a court sale of 1878, that Chick Puttaswami Chetty's father purchased the same from Venkataramaniah's widow in 1883, and that the former and after him the 1st appellant have been in management and possession ever since that time. The case of these persons cannot be said to be very much worse than that of the original alienee Venkataramaniah.

4. In the next place, there is the rather important fact that this is not a case of an alienation of inam lands away from the charitable institution for the upkeep of which they were - - -

76

granted, but that the institution and the lands have been transferred together to the same person. In other words, this is not a case of diversion of inam lands from their original object, to which case alone the rules in para II of the Notification of 17th November 1877, in terms apply. And since there is nothing to show that the Musafirkhana is not being maintained by the present manager or that the income from the lands is being misappropriated by him, and since as already ~~noted~~ noticed he and his father before him have been in ~~part~~ possession and management for over 35 years, Government do not consider it necessary or just to turn the 1st appellant out summarily and resume the management. It will always be open to the Deputy Commissioner to ~~investigate~~ institute an enquiry into the character of the management and take such other action as may be needful under Sections 8 and 9 of the Mysore Muzrai Regulation of 1913. But subject to the result of such an enquiry, the 1st appellant's possession will be affirmed and maintained in reversal of the order under appeal.

5. In view of the result of the appeal it is unnecessary to give any decision as to the character of the tenancy of the other appellants.

HRR-4.

Copy of the above is forwarded to the Deputy Commissioner, Mysore District, returning the entire records received with his letter No 146 Dy C 8-4 69

By order,

Fair Dft
MV

Sec'y to Govt
Muzrai Dept

To 26/1

Krishna Vilas Agrahar (4)

Mysore

Dated May 20th 1914.

Sir,

I beg to submit that on looking into the Government proceedings I find that Advocates only can appear before the Government to conduct the case on behalf of the appellants. Therefore herewith I have sent a new vakalt duly accepted by Mn. T.V.Narasimhachar, Advocate, Mysore to conduct the appeal regarding the attachment of jodi lands granted to Hemagiri Gosai Musafirkhana at Nanjangud which is pending before Government.

Further I regret that my Gumasta by oversight has affixed only eight annas stamp to the petition, praying for the order of the Deputy Commissioner may be kept in abeyance pending the disposal of the appeal and that I have herein enclosed stamps (Rs.1-8-0) to make up the deficiency.

The local authorities are pressing very hard to give up the possession of the Jodi lands on which the appellants

appellants mainly depend for their subsistence, and also that the season of cultivation is already commenced and will soon be commenced.

Therefore you may be kindly pleased to issue stay orders at your earliest convenience,

Yours obediently,

M. L. Krishnamachar
Members &
Executors.

To

G.Aramda Iyengar Esquire B.A.B.L.

Ex-officio Under Secretary to the

Government of Mysore

Muzrai Branch- Bangalore.

Pages 16-31